

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLES E. WASHINGTON,
Plaintiff,

v.

CORRECTION OFFICER T. FITZPATRICK,
CORRECTION OFFICER SAIN CLAIR,
SERGEANT SHERIDAN, LIEUTENANT
JORDAN, and COLONEL SIPPLE,
Defendants.

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**ORDER GRANTING
EXTENSION OF TIME TO FILE
NOTICE OF APPEAL**

20 CV 911 (VB)

By Order dated June 2, 2021 (Doc. #28), the Court dismissed this case for failure to prosecute and failure to comply with Court orders, pursuant to Fed. R. Civ. P. 41(b). On June 4, 2021 (Doc. 29), the Court entered Judgment dismissing the case. The same day, the Court mailed a copy of the Judgment, along with a notice of right to appeal and the relevant forms for same, to plaintiff. (Doc. #29-1). The notice of right to appeal informed plaintiff that if he wished to appeal, he must file his notice of appeal within 30 days after the entry of judgment, in other words, by July 6, 2021.

On June 28, 2021 (Doc. #30), the Court received from plaintiff, who is proceeding pro se and in forma pauperis, a motion for extension of time to file a notice of appeal. In that motion, plaintiff explains that he has been busy litigating his criminal case in New York State court, and that it is imperative that he stay focused on that other case.

Under the circumstances, the Court finds that plaintiff has shown good cause for the requested extension. See Fed. R. App. P. 4(a)(5). Accordingly, the motion is GRANTED.

Plaintiff's time to file a notice of appeal in this case is hereby extended to and including August 5, 2021.

Chambers will mail a copy of this Order to plaintiff at the address listed on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppededge v. United States, 369 U.S. 438, 444-45 (1962).

Dated: July 1, 2021

White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge